

Serial No. 09/856,116
Attorney Docket: 75249-009**REMARKS**

Claims 1-19 are herein presented. Original claims 1-9 have been amended to obviate the rejections under 35 U.S.C. §112, second paragraph. Original claims 10 and 11 have been cancelled. New claims 12-21 have been added. New claims 12 and 13 are supported in the specification on page 4, lines 4-5. New claims 14 and 15 are supported by original claim 5 and in the specification on page 4, third paragraph. New claims 16 and 17 are supported by original claim 8. New claims 18-21 are supported in the specification on page 3, first paragraph and on page 4, fourth and fifth paragraphs. The specification has been amended to correct a typographical error on page 11 and to include the abstract of the disclosure on a separate sheet (page 16), apart from any other text, as required according to 37 C.F.R. §1.72(b) and MPEP §608.01(b). Accordingly, no new matter has been added.

I. Administrative Matters

The Examiner has not indicated in the Office Action that an acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f), or that a certified copy of the priority document has been received. Applicants' Declaration states a foreign priority claim to Swiss application 2299/98 (filed 11/17/98). A certified copy of the Swiss application was submitted according to PCT Rule 17.1(a) to the International Bureau along with the PCT Request on November 3, 1999. The Notice of Acceptance of Application Under 35 U.S.C. § 371 and 37 C.F.R. § 1.494 and § 1.495 dated August 2, 2001 indicates that the U.S. Patent Office received the priority document. The Filing Receipt dated August 3, 2001 also indicates that the present application claims foreign priority to the above-noted Swiss application. The Examiner may request a copy of the priority document from the International Bureau according to PCT

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Rule 17.2(a). Applicants respectfully request that the Examiner acknowledge Applicants' foreign priority claim in the next Office Action.

Applicants further request that the Examiner act upon Applicants' August 28, 2003 Revocation and Power of Attorney, and send the next Office Action to Applicants' attorneys at Proskauer Rose LLP (PTO Customer Number 21890).

Finally, the Examiner has not acknowledged receipt of Applicants' Information Disclosure Statement and PTO Form 1449 filed May 17, 2001. Applicants respectfully request that the Examiner return an initialed PTO Form 1449 with the next Office Action.

II. Objection to Abstract

Applicants have amended the specification to include a new abstract of the disclosure presented on a separate sheet, apart from any other text, as required according to 37 C.F.R. §1.72(b) and MPEP §608.01(b). This new abstract contains the same subject matter as the original abstract. Accordingly, no new matter has been added and applicants respectfully request that the objection be withdrawn.

III. Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 1-11 stand rejected under 35 U.S.C. § 112, second paragraph for being indefinite.

Applicants have amended the claims to obviate the rejections under 35 U.S.C. §112, second paragraph. Accordingly, Applicants respectfully request that the rejections be withdrawn.

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IV. Rejection of Claim 11 under 35 U.S.C. § 101

Claim 11 stands rejected under 35 U.S.C. § 101 for improperly reciting a process claim. Applicants have obviated this rejection by canceling claim 11. Accordingly, Applicants respectfully request that the rejection be withdrawn.

The Examiner indicates on page 8 of the Office Action that original claims 1-11 are objected to for 112 issues, however, appear to be allowable over the prior art made of record. Since Applicants have amended the claims to obviate the rejections under 35 U.S.C. § 112, second paragraph, and since newly added claims 12-21 are supported by the original claims and the specification, Applicants respectfully submit that the present application is in condition for allowance. Favorable consideration of the application as amended is respectfully requested.

The Commissioner is authorized to charge any fee due, or credit any overcharge as a result of this Amendment and Response to Deposit Account No. 16-2500.

Respectfully submitted,

Proskauer Rose LLP

Date: November 17, 2003

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